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FACSIMILE COVER SHEETDATE: May 20, 2004OUR REF.: MTS-520US5

TIME: _____

Application No.: 10/017,973

TO:	Examiner Paul E. Callahan
COMPANY:	United States Patent and Trademark Office
FROM:	Jack J. Jankovitz
FAX TELEPHONE:	703-305-1336
OFFICE TELEPHONE:	703-872-9306
TITLE OF DOCUMENT:	Notice of Appeal as Previously Filed

Total Number of Pages: 2 (including this form)

COMMENTS

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PTO/SB/31 (08-03) (AW 10/2003)

Approved for use through 7/31/2006, OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
MTS-520US5

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Signature

Typed or printed
name: ALLAN RATNER

In re Application of

Mitsuraki Oshima et al.

Application Number

10/017,973

Filed

December 7, 2001

For

MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK

Group Art Unit

2134

Examiner

Paul E. Callahan

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-0350. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a): _____

Signature

Allan Ratner

19717
Typed or printed name

(610) 407-0700

Telephone Number

May 17, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.191. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)
MTS-520US5

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Typed or printed name: ALLAN RATNER

In re Application of

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☐ assignee of record of the entire interest.
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☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a): _____

Signature

Allan Ratner

Typed or printed name

(610) 407-0700

Telephone Number

May 17, 2004

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☐ *Total of _____ forms are submitted.

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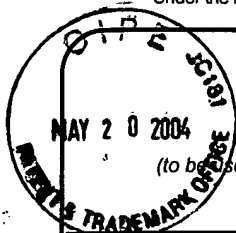
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Technology Center 2100

05/21/2004 CCH/RI 00000015 10017973

02 70:1601

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 7

Application Number	10/017,973
Filing Date	December 7, 2001
First Named Inventor	Mitsuaki Oshima, et al.
Art Unit	2134
Examiner Name	Paul E. Callahan
Attorney Docket No.	MTS-520US5

ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form
☒ Fee Attached
- ☐ Amendment/Reply
☐ After Final
☐ Affidavits/Declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
- ☐ Response to Missing Parts under
37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation,
Change of Correspondence
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication
to Group
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☒ Appeal Communication to Group
(Appeal Notice, Brief, Reply
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
identify below):
- Return Postcard

Remarks:**RECEIVED**

MAY 25 2004

Technology Center 2100

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Allan Ratner	Registration No. (Attorney/Agent)	19,717
Signature			
Date	May 17, 2004		

CERTIFICATE OF TRANSMISSION / MAILING

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Typed or printed name	Allan Ratner		
Signature		Date	May 17, 2004

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MAY 2 8 2004 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 330 + 950

Complete if Known

Application Number 10/017,973
Filing Date December 7, 2001
First Named Inventor Mitsuaki Oshima, et al.
Examiner Name Paul E. Callahan
Art Unit 2134
Attorney Docket No. MTS-520US5

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Technology Center 2100

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money ☐ Other ☐ None
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Deposit Account Number 18-0350
Deposit Account Name RatnerPrestia

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☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
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FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	Utility filing fee	
		1002	340	Design filing fee	
		1003	530	Plant filing fee	
		1004	770	Reissue filing fee	
		1005	160	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20**	=	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0"/>
Independent Claims	<input type="text"/>	-3**	=	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0"/>
Multiple Dependent					X	<input type="text"/>	= <input type="text" value="0"/>

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	Claims in excess of 20
		1201	86	Independent claims in excess of 3
		1203	290	Multiple dependent claim, if not paid
		1204	86	** Reissue independent claims over original patent
		1205	18	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	Surcharge - late filing fee or oath	
		1052	50	Surcharge - late provisional filing fee or cover sheet.	
		1053	130	Non-English specification	
		1812	2,520	For filing a request for <i>ex parte</i> reexamination	
		1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	Extension for reply within first month	
		1252	420	Extension for reply within second month	
		1253	950	Extension for reply within third month	950
		1254	1,480	Extension for reply within fourth month	
		1255	2,010	Extension for reply within fifth month	
		1401	330	Notice of Appeal	330
		1402	330	Filing a brief in support of an appeal	
		1403	290	Request for oral hearing	
		1451	1,510	Petition to institute a public use proceeding	
		1452	110	Petition to revive - unavoidable	
		1453	1,330	Petition to revive - unintentional	
		1501	1,330	Utility issue fee (or reissue)	
		1502	480	Design issue fee	
		1503	640	Plant issue fee	
		1460	130	Petitions to the Commissioner	
		1807	50	Processing fee under 37 CFR 1.17(q)	
		1806	180	Submission of Information Disclosure Stmt	
		8021	40	Recording each patent assignment per property (times number of properties)	
		1809	770	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	770	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	770	Request for Continued Examination (RCE)	
		1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1280)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Allan Ratner Registration No. Attorney/Agent 19,717 Telephone (610) 407-0700
Signature Date May 17, 2004

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